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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,136	06/29/2001	Linda J. Rankin	042390.P11493	5744
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INTEL/BLAKELY 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER PHAN, TRI H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/894,136

Applicant(s)

RANKIN ET AL.

Examiner

Tri H. Phan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-21, 23, 24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 21, 23, 24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment/Arguments***

1. This Office Action is in response to the RCE filed on November 5<sup>th</sup>, 2007. Claims 17-18, 22 and 25 are now canceled. Claims 1-16, 19-21, 23-24 and 26-27 are now pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21, 23-24 and 26-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to claim 23, the steps “whether a first controller or a second controller was the last one to send data, ... connected to a channel”; and “determining the first controller is starting to send a new packet, in response to determining that the first controller was the last one to send

data” contain subject matter, which was not described in Description (see Specification page 7, paragraph [0020]; and Fig. 2) as part of the logic process steps, that can work independent or alone without other limitations work in sequences, and enable the logic process steps functioning correctly.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21, 23-24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by **Fischer et al.** (U.S.5,001,472; hereinafter refer as ‘**Fischer**’).

- In regard to claim 23, **Fischer** discloses the uneven token distribution technique (“method”) for token based local area network, *which comprises*  
*determining whether a first controller or a second controller was the last one to send data* (for example see fig. 8; col. 5, lines 16-35; col. 5, line 60 through col. 6, line 12; wherein only node with the token can transmit messages as specified in col. 1, lines 51-61, e.g. “*last one to send data*”; and wherein the state transition is determined by the redirection controller 110, to see which controller is remained in active state as disclosed in col. 16, lines 51-59, for redirecting the token), *wherein the first and second controllers are connected to a channel* (for

example see fig. 8; col. 15, lines 3-27; where controllers 60A-C are connected to LAN medium 42 through transceivers A-C); *and*

*determining the first controller is starting to send a new packet, in response to determining that the first controller was the last one to send data* (for example see col. 5, lines 16-35; col. 5, line 60 through col. 6, line 12; col. 23, lines 22-36; where the token is redirected back to priority node for initiating another message, e.g. “*starting to send a new packet*”, as long as the priority node still has message to send).

- Regarding claim 21, **Fischer** further discloses the method comprises

*determining whether the first controller and the second controller have data to send* (for example see col. 20, lines 8-18; wherein the redirection logic is activated by the processor based on the present of messages waiting in the queue, e.g. “*have data to send*”); *and*

*in response to determining that the second controller does not have data to send, sending data via the first controller* (for example see col. 5, lines 16-35; col. 5, line 60 through col. 6, line 12; col. 23, lines 22-36; where the token is redirected to other node for initiating message, as long as the priority node has no further message to be initiated, e.g. “*does not have data to send*”).

- In regard to claim 24, **Fischer** further discloses the method comprises, *in response to determining that the new packet is absent, sending data via the second controller* (for example see col. 5, lines 16-35; col. 5, line 60 through col. 6, line 12; col. 23, lines 22-36; wherein, as long as the priority node has no further message to be initiated, e.g. “*new packet is absent*”, the

token is redirected to other node for initiating message, based on the present of messages as disclosed in col. 20, lines 12-18).

- Regarding claims 26-27, **Fischer** further discloses the method comprises *determining whether the second controller is starting to send a new packet* (for example see col. 5, lines 16-35; col. 5, line 60 through col. 6, line 12; col. 23, lines 22-36; where the token is redirected back to the node for initiating another message, e.g. “*starting to send a new packet*”, as long as the node still has message to send, e.g. “*send data via the second controller*”), *in response to determining that the second controller was the last one to send data* (for example see fig. 8; col. 5, lines 16-35; col. 5, line 60 through col. 6, line 12; wherein only node with the token can transmit messages as specified in col. 1, lines 51-61, e.g. “*last one to send data*”; and wherein the state transition is determined by the redirection controller 110, to see which controller is remained in active state as disclosed in col. 16, lines 51-59, for redirecting the token).

### ***Response to Amendment/Arguments***

6. Applicant's arguments filed on November 5<sup>th</sup>, 2007 with respect to claims 1, 4-5, 7-10, 12-13, 15-16 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

7. Claims 1-16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Many references in the art disclose the method, apparatus and system for transmission data through network by using flits. Most of those references disclose about interface with two level virtual channels, where packets are composed into flits based on the priorities for transmitting over different channels, such as that found in Joseph et al. [U.S. 6,628,615]. But no prior art reference disclose or suggest the step method as “*transferring flits from a channel across the physical connection, in response to determining that a flit being transferred by the other channel is the end of a packet*” (see claim 11).

Substantially regarding claims 6 and 14, the prior art of record also fails to show the apparatus and system, which implement step method as the same manner set forth in claim 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Robins et al.** (U.S.7,000,055) and **Beard, Paul** (U.S.7,245,725) are all cited to show devices and methods for improving the transmission data in the telecommunication system by using multi-processor, which are considered pertinent to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tri H. Phan/  
January 21, 2008

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

1/22/08